IN RE: PETITION FOR ZONING VARIANCE 3/S Hershey Way, 142' W of Lake Forest Court (4417 Hershey Way) 11th Election District 6th Councilmanic District

R. Thomas Jefferson

Petitioner

* DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY * Case No. 89-308-A

FINDINGS OF F F AND CONCLUSIONS OF LAW

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The Petitioner herein requests a variance to permit a front yard setback of 5 feet, 6 inches in lieu of the required front yard average of 25 feet, a side yard setback of 7 feet in lieu of the required 8 feet, and a sum total of side yard setbacks of 17 feet in lieu of the required 20 feet, for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioner appeared and testified. There were no Protestants. Testimony indicated that the subject property, known as 4417 Hershey Way, consists of .13 acres zoned D.R. 5.5 and is currently improved with a single family dwelling. Petitioner proposes making first floor living accommodations for his 74-year old mother who currently resides in one of the second floor bedrooms but is having difficulty maneuvering the stairs. Petitioner testified that due to the location of an existing 10-foot utility easement and existing improvements in the rear of the subject property, the requested variance is necessary in order to construct an adequately sized addition providing a bedroom and sitting area for his mother. Petitioner argued that the granting of the variance will not result in any detriment to the health, safety or general welfare of the community. To support Petitioner's claims, Petitioner introduced pictures which clearly indicate the subject property is located at the end of a dead-end street. Further, Petitioner indicated he has spoken with

surrounding property owners who have indicated they have no objections to his plans.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily

whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safeand general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS CRDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of March, 1989 that the Petition for Zoning Variance to permit a front yard setback of 5 feet, 6 inches in lieu of the required front yard average of 25 feet, side yard setback of 7 feet in lieu of the required 8 feet, and a sum total of side yard setbacks

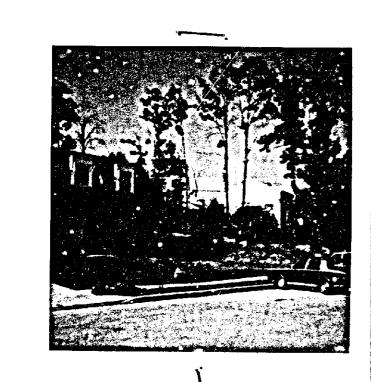
of 17 feet in lieu of the required 20 feet, for a proposed addition in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

> 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original

Per M.N. sterning, ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

4417 HERSHEY WAY

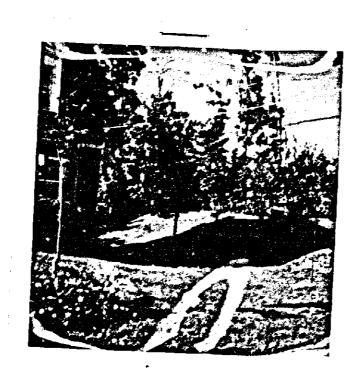




The street on which the property is located Hersley Way is a dead end street. The property is located at the end of the street with no other house on the street being located on the west side of the lower house which is the side that the proposed addition will be on. There is a townhouse development further west on the other side of on open over. These tounhouses are of a sufficient dictorce away that the proposed addition would not have any effect on them.

4417 HERSHEY WAY





The proposed addition will be on the side of the house pictured above.

PROPERTY VICINITY MAP WAY

PLAT FOR ZONING VARIANCE WNER- R. THOMAS, DONNAM. + LENDON M. JEITHREON
PISTRICT- II ZONED D.R. S. 5 (R-6) LOT SIE
UBDIVISION - SILVER GATE Lor Sier: 5848.31 29 ++ ST I BLK D BOOK No. 31 FOLIO 134

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L=150.09. PLAT FOR ZONING VARIANCE OWNER- R. THOMAS DONNA M. + LEONORA M. JEFFERSON DISTRICT - 11 PZONED D.R. 5.5 (R-6) LOT SIZE: 5843.31 39 F+

SUBDIVISION - SILVER GATE. LOT I BLK DE BOOK NO. 31 FOLIO 139 EXISTING UTILITIES IN HERSHEY WAY SCALE : 1": 50"

Baltimore County
Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines
Zoning Commissioner

March 15, 1989

Mr. R. Thomas Jefferson 4417 Hershey Way Baltimore, Maryland 21236

RE: PETITION FOR ZONING VARIANCE S/S Hershey Way, 142' W of Lake Forest Court (4417 Hershey Way) 11th Election District - 6th Councilmanic District R. Thomas Jefferson - Petitioner Case No. 89-308-A

Dear Mr. Jefferson:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

1- Minsterning ANN M. NASTAROWICZ Deputy Zoning Commissioner

cc: People's Counsel

File

for Baltimore County

Please note penciled-in. additions to site plan. Also is your side porch enclosed? What is the serback from
your side perch to side property line, flore,
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thank you. HERSHEY YAW 4=150.09 LOT 3. 38. 46 S FT. UTILITY EAST MENT A PLAT FOR ZONING VARIANCE OWNER- R. THOMAS, DONNA M. + LEEDING M. JETFAR, SON OWNER- IC. THOMAS, DONAR MITTER TO SERVICE TO SERVICE SRY3.31 soft

SUBDINISION - SILVER GARA

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EXISTING UTILITIES IN HERSHEY WAY SCALES 1"= 50' Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353 2/3/89 J. Robert Haines Zoning Commissioner NOTICE OF HEARING Dennis F. Rasmussen The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows: Petition for Zoning Variance Case Number: 89-308-A 55 Hershey Way, 142' W Lake Forest Court 4417 Hershey Way 11th Election District - 6th Councilmanic Petitioner(s): R. Thomas Jefferson Hearing Scheduled: Tuesday, March 7, 1989 at 3:00 p.m. Variance to allow a front setback of 5 ft. 6 in. in lieu of the required front yard average of 25 ft. and to allow a side yard setback of 7 ft. and a sum total of 8 ft. and 20 ft. respectively. In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing. J. ROBERT HAINES Zoning Commissioner of Baltimore County cc: R. Thomas Jefferson File

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		COMMISSIONER O	F BALTIMORE	∧ /: \\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\
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I,	or we, agree	e to pay expenses of	above Variance	e advertising, posting, etc., upon filing of this the zoning regulations and restrictions of
Baltimo	ore County	adopted pursuant to	the Zoning Lav	For Baltimore County, I/We do solemnly declare and affirm,
				under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contrac	ct Purchaser	::		gal Owner(s):
(Тут	e or Print Na	me)		Thomas Jefferson (Type or Print Name)
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R. Thomas Jefferson Hearing Date: Tuesday, March 7, 1989 at 3:00 p Variance: to allow a	1		
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ZONING DESCRIPTION Beginning on the north side of Hershey Way, 60 feet wide, at the distance of 30 feet south of the centerline of Dearborn Drive. Being known and

designated as Lot No. 1, Block D, as shown on a Plat entitled, SILVER GATE, which Plat is recorded among the Land Records of Baltimore County in Plat Book No. 31, folio 139. The improvements thereon being known as No. 4417 Hershey Way in the 11th Election District.

CERTIFICATE OF POSTING Location of property: 5/3 Harshay Wig 1421 w/toky fors. + CT Location of Signer Ferry Herry Way opper for you dury

Number of Signs: /

Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

Zoning Commissioner of Batternore County 01 235 Jan. 19.

J. ROBERT HAINES

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

District 1174	Date of Posting 1/15/89
Posted for: Vollonico	
Partitioner R. Thomas Lefter	(5077
Location of property: 5/5 Horshay W 11417 Horshay Way	log 1421 W/toto fourt Ct.
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Remarks:	
Posted by Maly	Date of return: 1/20/89
Number of Signe:	

CERTIFICATE OF PUBLICATION

NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baitimore County will hold a public hearing on the property identified herein in Foom 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows: THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Petition for Zoning Variance Case number: 89-308-A SS Hershey Way, 142' V Lake Forest Court 4417 Hershey Way 11th Election District 6th Councilmanic Petitioner(s): R. Thomas Jefferson Hearing Date: Tuesday, Feb. 7, 1989 at 2:00 p.m. Jeonary 19 , 1989. NORTHEAST TIMES THE JEFFERSONIAN, 5.72% Olem Variance: to allow a side yard setback of 10 ft. in lieu of the required 12 ft. In the event that this Petrion is granted, a building permit may be issued within the thinks. issued within the thirty (30) day appeal penod. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Publisher

PO 08792 rug M 25134 care 87.303-1 Price 1/71.10

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204 494-3353 J. Robert Haines Zoning Communication

Date: 2/28/87



R Thomas Jefferson 4417 Hershey Way Baitimore

Maryland 21236

Re: CASE # 89-308-A

Please be advised that 74,69 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE REVENUE DIVISION MISCELLANEOUS CASH RECEIPT	No. 037477	l post set(s), the each set not
DATE 3-7-89 ACCOUNT R	-01-615-000	_ ,
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Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494 3353

J. Robert Haines
Zoning Commissioner

NOTICE OF HEARING



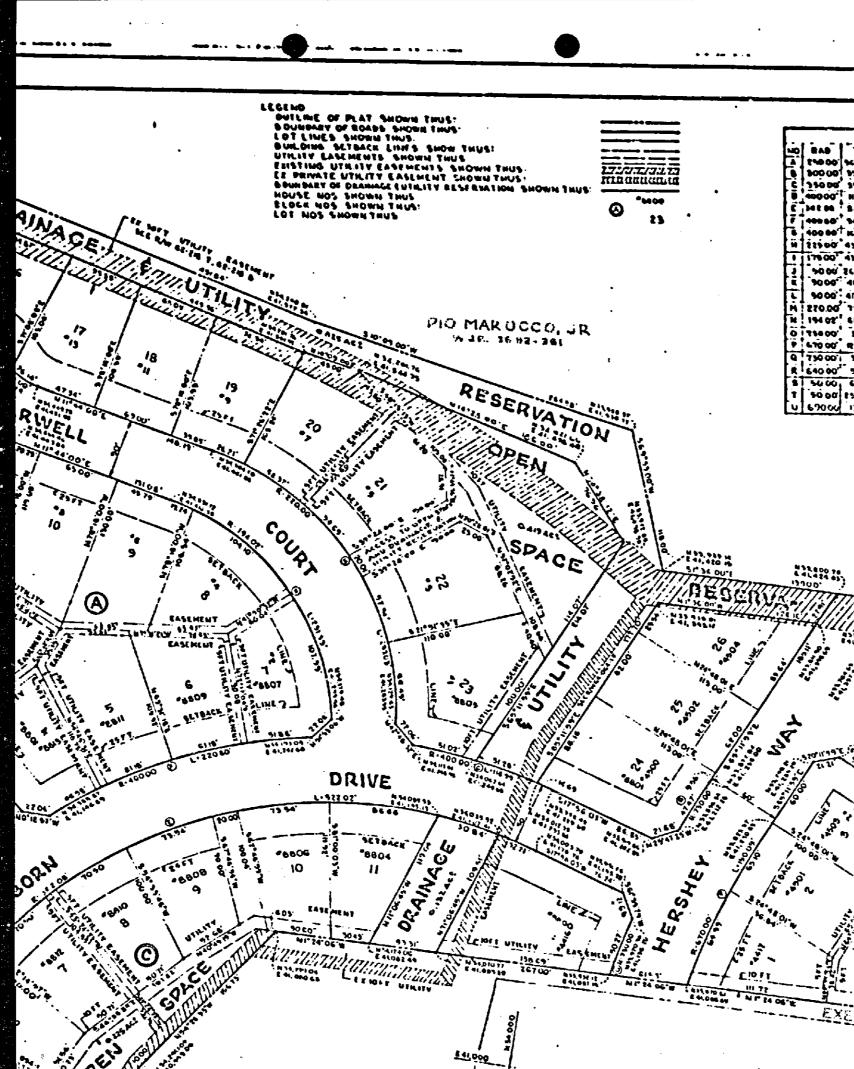
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance CASE NUMBER: 89-308-A 55 Hershey Way, 142' W Lake Forest Court 4417 Hershey Way 11th Election District - 6th Councilmanic Petitioner(s): R. Thomas Jefferson
HEARING SCHEDULED: **HESDAY: FEBRUARY 7, 1989 at 2:00 p.m. TUES MAY 11 3:00 CM. Variance to allow a side yard setback of 10 ft. in lieu of the required 12 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing. 1. Plat House

J. ROBERT HAINES Zoning Commissioner of Baltimore County cc: R. Thomas Jefferson





Baltimore County

89-308-A
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this 30th day of November , 1988

Petitioner P. Thomas Jefferson Received by:
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Date February 2, 1989 J. Robert Haines TO Zoning Commissioner Pat Keller, Deputy Director
FROM Office of Planning and Zoning Zoning Petition Nos. 89-305-SPHXA (GR7 Ltd.); 89-308-SPH (Jefferson); SUBJECT 89-309-A (Snyder); 89-312-A (Williams); 89-317-A (Thompson); and 89-334-A (Servary)

The Office of Planning and Zoning has no comment on the above listed projects.

PK/sf

ZONALO OFFICE

ELTIMORE COUNTY, MARTLAND

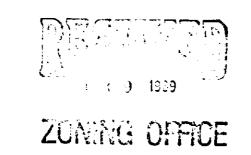
INTER-OFFICE CORRESPONDENCE

J. Robert Haines TO Zoning Commissioner Date March 7, 1989 Pat Keller, Deputy Director

FROM Office of Planning and Zoning Zoning Petition Nos. 89-308-SPH (Jefferson); 89-318-A (Podles); 89-350-A (Khouzami); 89-354-A (Smith); 89-359-A (Heuttner); 89-363-A (Cash); 89-364-A (Kaplan); 89-368-A (Appel); 89-369-A (Mathai); 89-375-A (Vinson); 89-376-A (Gambrill); 89-378-A (Lim); 89-379-A (Freundlich); 89-387-A (Babikow); and 89-393-A (Lubman)

The Office of Planning and Zoning has no comment on the above listed

PK/sf



Fire Department Towson, Maryland 21204-2586 494-4500 Paul H. Reincke Chief December 29, 1988 J. Robert Haines, Zoning Commissioner Office of Planning & Ining Baltimore County Office Building Towson, Maryland 21204 Re: Property Owner: R. Thomas Jefferson Location: SS Hershey Way, 142' W. of Lake Forest Court 4417 Hershey Way Item No.: 170 Zoning Agenda: Meeting of 11/29/88 Gentlemen: Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property. () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. () 2. A second means of vehicle access is required for the site. () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department. () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protec-tion Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy. () 6. Site plans are approved, as drawn. () 7. The Fire Prevention Dureau has no comments at this time.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLOG. 111 W. Chesapeake Ave. Towson, Maryland 21204

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Department of Traffic Engineering State Roads Commission Bureau of Fire Prevention Health Department Project Planning Building Department Board of Education Zoning Administration

Mr. R. Thomas Jefferson

RE: Item No. 170, Case No. 89-308-A Petitioner: R. Thomas Jefferson Petition for Zoning Variance

Baltimore, MD 21236

4417 Hershey Way

Dear Mr. Jefferson:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

January 31, 1989

James E. Dyer /de Zoning Plans Advisory Committee

Enclosures

Baltimore County
Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554

January 17, 1989



Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 38, 186, 170, 193, 195, 197, 198, 201, and 203.

Traffic Engineer Associate II